

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

Sorptive Minerals Institute,

Petitioner

v.

No. 24-1889

Mine Safety and Health
Administration; Secretary of
Labor, United States Department
of Labor,

Respondents

National Stone, Sand & Gravel
Association, et al.,

Petitioner

No. 24-2661

v.

Mine Safety and Health
Administration, et al.

Respondents

Sorptive Minerals Institute and
Blue Mountain Production
Company,

Petitioners

v.

Mine Safety & Health
Administration, et al.

Respondents

No. 24-2663

Unopposed Motion for Extension of Time to File Joint Status Report

On August 11, 2025, this Court directed the parties to file a status report regarding the developments in the case by October 10, 2025. Doc. 5546704. Pursuant to Federal Rule of Appellate Procedure 26(b), the Secretary hereby requests an extension of time in which to file her status report in this case. As grounds for this motion, the Secretary states as follows:

1. The Secretary's status report is currently due on October 10, 2025. The undersigned is responsible for preparing and filing the status report.
2. At the end of the day on September 30, 2025, appropriated funding for the Department of Labor and its subagencies, including the Mine Safety and Health Administration, lapsed. At this time, we do not know when Congress

will restore funding.

3. As a result of the lapse in appropriations, Department of Labor attorneys in the Solicitor's Office (including the undersigned) are prohibited from doing work, even on a voluntary basis, "exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342. This exception "does not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property." *Id.*
4. In light of the foregoing, the Secretary requests that the Court extend the time to file its status report until a date at least 30 days after the restoration of funding for the Department.
5. I have contacted counsel for Petitioners and they do not object to this motion.
6. WHEREFORE, the Secretary respectfully requests an extension of time in which to file its status report.

Respectfully submitted,

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s/ BRAD J. MANTEL
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Counsel also certifies that this motion has been scanned for viruses and is virus-free.

s/ Brad J. Mantel

Certificate of Service

I certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the appellate CM/ECF system on October 1, 2025, and registered users will be served via the CM/ECF system.

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